



---

*Number 14 of 2014*

---

**PROTECTED DISCLOSURES ACT 2014**

**REVISED**

**Updated to 24 September 2020**

---

This Revised Act is an administrative consolidation of the *Protected Disclosures Act 2014*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Criminal Justice (Enforcement Powers) (Covid-19) Act 2020* (14/2020), enacted 11 September 2020, and all statutory instruments up to and including the *Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020* (S.I. No. 367 of 2020), made 24 September 2020, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to [revisedacts@lawreform.ie](mailto:revisedacts@lawreform.ie).





---

*Number 14 of 2014*

---

**PROTECTED DISCLOSURES ACT 2014**

**REVISED**

**Updated to 24 September 2020**

---

**Introduction**

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

**Related legislation**

This Act is not collectively cited with any other Act.

**Annotations**

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at [www.lawreform.ie/annotations](http://www.lawreform.ie/annotations).

**Material not updated in this revision**

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found may be found linked from the page of the Act or statutory instrument at [www.irishstatutebook.ie](http://www.irishstatutebook.ie).

**Acts which affect or previously affected this revision**

- *Industrial Relations (Amendment) Act 2015 (27/2015)*
- *Workplace Relations Act 2015 (16/2015)*

All Acts up to and including *Criminal Justice (Enforcement Powers) (Covid-19) Act 2020* (14/2020), enacted 11 September 2020, were considered in the preparation of this revision.

**Statutory instruments which affect or previously affected this revision**

- *Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020* (S.I. No. 367 of 2020)
- *European Union (Protection of Trade Secrets) Regulations 2018* (S.I. No. 188 of 2018)
- *Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2016* (S.I. No. 490 of 2016)
- *Industrial Relations Act 1990 (Code of Practice on Protected Disclosures Act 2014) (Declaration) Order 2015* (S.I. No. 464 of 2015)
- *Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2015* (S.I. No. 448 of 2015)
- *Protected Disclosures Act 2014 (Section 7(2)) Order 2014* (S.I. No. 339 of 2014)
- *Protected Disclosures Act 2014 (Commencement) Order 2014* (S.I. No. 327 of 2014)

All statutory instruments up to and including *Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020* (S.I. No. 367 of 2020), made 24 September 2020, were considered in the preparation of this revision.



---

*Number 14 of 2014*

---

**PROTECTED DISCLOSURES ACT 2014**

**REVISED**

**Updated to 24 September 2020**

---

**CONTENTS**

**PART 1**

**PRELIMINARY AND GENERAL**

**Section**

1. Short title and commencement
2. Provision for review
3. Interpretation
4. Expenses

**PART 2**

**PROTECTED DISCLOSURES**

5. Protected disclosures
6. Disclosure to employer or other responsible person
7. Disclosure to prescribed person
8. Disclosure to Minister
9. Disclosure to legal adviser
10. Disclosure in other cases

**PART 3**

**PROTECTIONS**

11. Protection of employees from dismissal for having made protected disclosure
12. Other protection of employees from penalisation for having made protected disclosure
13. Tort action for suffering detriment because of making protected disclosure
14. Immunity from civil liability for making protected disclosure
15. Making protected disclosure not to constitute criminal offence
16. Protection of identity of maker of protected disclosure

PART 4

SPECIAL CASES

17. Law enforcement, etc.
18. Security, defence, international relations and intelligence
19. Amendments of Garda Síochána Act 2005
20. Amendment of Ombudsman (Defence Forces) Act 2004

PART 5

MISCELLANEOUS AND SUPPLEMENTARY

21. Internal procedures for protected disclosures made by workers employed by public bodies
22. Annual report
23. No contracting-out of protections
24. Protection of disclosure provisions in other enactments

SCHEDULE 1

INTERIM RELIEF PENDING DETERMINATION OF CLAIM FOR UNFAIR  
DISMISSAL

SCHEDULE 2

REDRESS FOR CONTRAVENTION OF SECTION 12(1)

SCHEDULE 3

DISCLOSURES RECIPIENT

SCHEDULE 4

AMENDMENTS

PART 1

AMENDMENT OF ACTS

PART 2

AMENDMENT OF STATUTORY INSTRUMENT

---

## ACTS REFERRED TO

Bankruptcy Act 1988 (No. 27)  
Central Bank (Supervision and Enforcement) Act 2013 (No. 26)  
Charities Act 2009 (No. 6)  
Chemicals Act 2008 (No. 13)  
Children Act 2001 (No. 24)  
Civil Service Regulation Act 1956 (No. 46)  
Companies Act 1963 (No. 33)  
Companies Acts  
Competition Act 2002 (No. 14)  
Consumer Protection Act 2007 (No. 19)  
Criminal Justice Act 2011 (No. 22)  
Debtors (Ireland) Act 1840 (3 & 4 Vict., c. 105)  
Defamation Act 2009 (No. 31)  
Defence Act 1954 (No. 18)  
Employment Permits Act 2006 (No. 16)  
European Parliament Elections Act 1997 (No. 2)  
Further Education and Training Act 2013 (No. 25)  
Garda Síochána Act 2005 (No. 20)  
Health Act 2004 (No. 42)  
Higher Education Authority Act 1971 (No. 22)  
Inland Fisheries Act 2010 (No. 10)  
Local Government Act 2001 (No. 37)  
Offences Against the State Act 1939 (No. 13)  
Ombudsman (Defence Forces) Act 2004 (No. 36)  
Prisons Acts 1826 to 2007  
Property Services (Regulation) Act 2011 (No. 40)  
Protection of Employees (Employers' Insolvency) Act 1984 (No. 21)  
Protection of Employees (Temporary Agency Work) Act 2012 (No. 13)  
Protections for Persons Reporting Child Abuse Act 1998 (No. 49)  
Standards in Public Office Act 2001 (No. 31)  
Taxes Consolidation Act 1997 (No. 39)  
Trade Union Act 1941 (No. 22)  
Trade Union Acts 1871 to 1990  
Unfair Dismissals Act 1977 (No. 10)  
Unfair Dismissals Acts 1977 to 2007




---

Number 14 of 2014

---

**PROTECTED DISCLOSURES ACT 2014**

**REVISED**

**Updated to 24 September 2020**

---

An Act to make provision for and in connection with the protection of persons from the taking of action against them in respect of the making of certain disclosures in the public interest and for connected purposes.

[8 th July, 2014]

**Be it enacted by the Oireachtas as follows:**

**Annotations**

**Editorial Notes:**

- E1** Code of practice in relation to Act declared (28.10.2015) by *Industrial Relations Act 1990 (Code of Practice on Protected Disclosures Act 2014) (Declaration) Order 2015* (S.I. No. 464 of 2015).

**PART 1**

**PRELIMINARY AND GENERAL**

**Short title and commencement**

1. (1) This Act may be cited as the *Protected Disclosures Act 2014*.

(2) This Act comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

**Annotations**

**Editorial Notes:**

- E2** Power pursuant to subs. (2) exercised (15.07.2014) by *Protected Disclosures Act 2014 (Commencement) Order 2014* (S.I. No. 327 of 2014).

2. The 15th day of July 2014 is appointed as the day on which the Protected Disclosures Act 2014 (No. 14 of 2014) comes into operation.



**Provision for review****2.** The Minister shall—

- (a) not later than the end of the period of 3 years beginning on the day on which this Act is passed, commence a review of the operation of this Act, and
- (b) not more than 12 months after the end of that period, make a report to each House of the Oireachtas of the findings made on the review and of the conclusions drawn from the findings.

**Interpretation****3.** (1) In this Act—

“contract of employment” means contract of service or apprenticeship, whether express or implied, and (if express) whether oral or in writing;

“disclosure”, in a case in which information disclosed is information of which the person receiving the information is already aware, means bringing to the person’s attention;

“educational establishment” means any university, college, school or other educational establishment;

“employee” has the meaning given by section 1 of the Unfair Dismissals Act 1977 and includes an individual who is deemed to be an employee by virtue of *subsection (2) (a)*;

“employer”, in relation to a worker, means, subject to *subsection (2) (c)*—

- (a) in the case of an individual who is a worker by virtue of paragraph (a) of the definition of that term, the person with whom the worker entered into, or for whom the worker works or worked under, the contract of employment,
- (b) in the case of an individual who is a worker by virtue of paragraph (b) of the definition of that term, the person with whom the worker entered into, or works or worked under, the contract,
- (c) in the case of an individual who is a worker by virtue of paragraph (c) of the definition of that term—
  - (i) the person for whom the worker works or worked, or
  - (ii) the person by whom the individual is or was introduced or supplied to do the work,
- or
- (d) in the case of an individual who is a worker by virtue of paragraph (d) of the definition of that term, the person who provides or provided the work experience or training;

“Minister” means the Minister for Public Expenditure and Reform;

“penalisation” means any act or omission that affects a worker to the worker’s detriment, and in particular includes—

- (a) suspension, lay-off or dismissal,
- (b) demotion or loss of opportunity for promotion,
- (c) transfer of duties, change of location of place of work, reduction in wages or change in working hours,
- (d) the imposition or administering of any discipline, reprimand or other penalty (including a financial penalty),
- (e) unfair treatment,

- (f) coercion, intimidation or harassment,
- (g) discrimination, disadvantage or unfair treatment,
- (h) injury, damage or loss, and
- (i) threat of reprisal;

“protected disclosure” shall be construed in accordance with *section 5*;

“public body” means—

- (a) a Department of State,
- (b) a local authority within the meaning of the Local Government Act 2001,
- (c) any other entity established by or under any enactment (other than the Companies Acts), statutory instrument or charter or any scheme administered by a Minister of the Government,
- (d) a company (within the meaning of the Companies Acts) a majority of the shares in which are held by or on behalf of a Minister of the Government,
- (e) a subsidiary (within the meaning of the Companies Acts) of such a company,
- (f) an entity established or appointed by the Government or a Minister of the Government,
- (g) any entity (other than one within *paragraph (e)*) that is directly or indirectly controlled by an entity within any of *paragraphs (b) to (f)*,
- (h) an entity on which any functions are conferred by or under any enactment (other than the Companies Acts), statutory instrument or charter, or
- (i) an institution of higher education (within the meaning of the Higher Education Authority Act 1971) in receipt of public funding;

“relevant information” shall be construed in accordance with *section 5(2)*;

“relevant wrongdoing” shall be construed in accordance with *subsections (3) to (5) of section 5*;

“trade union official” means an official of a trade union licensed under the Trade Union Acts 1871 to 1990;

“worker” means an individual who—

- (a) is an employee,
- (b) entered into or works or worked under any other contract, whether express or implied and (if it is express) whether oral or in writing, whereby the individual undertook to do or perform (whether personally or otherwise) any work or services for another party to the contract for the purposes of that party’s business,
- (c) works or worked for a person in circumstances in which—
  - (i) the individual is introduced or supplied to do the work by a third person, and
  - (ii) the terms on which the individual is engaged to do the work are or were in practice substantially determined not by the individual but by the person for whom the individual works or worked, by the third person or by both of them,

or

- (d) is or was provided with work experience pursuant to a training course or programme or with training for employment (or with both) otherwise than—
- (i) under a contract of employment, or
  - (ii) by an educational establishment on a course provided by the establishment, and includes an individual who is deemed to be a worker by virtue of *subsection (2) (b)* and any reference to a worker being employed or to employment shall be construed accordingly.

(2) For the purposes of this Act—

(a) an individual who is or was—

- (i) a member of the Garda Síochána, or
- (ii) a civil servant (within the meaning of the Civil Service Regulation Act 1956),

is deemed to be an employee,

(b) an individual who is or was a member of the Permanent Defence Force (within the meaning of the Defence Act 1954) or the Reserve Defence Force (within the meaning of that Act) is deemed to be a worker,

(c) “employer”—

- (i) in relation to a member of the Garda Síochána (other than the Commissioner of the Garda Síochána), means the Commissioner of the Garda Síochána;
- (ii) in relation to a civil servant (within the meaning aforesaid), has the meaning given by section 2A(2) of the Unfair Dismissals Act 1977;
- (iii) in relation to a member of the Permanent Defence Force or the Reserve Defence Force (both within the meaning aforesaid), means the Minister for Defence.

#### Expenses

4. The expenses incurred by the Minister under this Act shall be paid out of moneys provided by the Oireachtas.

## PART 2

### PROTECTED DISCLOSURES

#### Protected disclosures

5. (1) For the purposes of this Act “protected disclosure” means, subject to F1[*subsections (6) and (7A)*] and *sections 17 and 18*, a disclosure of relevant information (whether before or after the date of the passing of this Act) made by a worker in the manner specified in *section 6, 7, 8, 9 or 10*.

(2) For the purposes of this Act information is “relevant information” if—

- (a) in the reasonable belief of the worker, it tends to show one or more relevant wrongdoings, and
- (b) it came to the attention of the worker in connection with the worker’s employment.

(3) The following matters are relevant wrongdoings for the purposes of this Act—

- (a) that an offence has been, is being or is likely to be committed,

- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the worker's contract of employment or other contract whereby the worker undertakes to do or perform personally any work or services,
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur,
- (d) that the health or safety of any individual has been, is being or is likely to be endangered,
- (e) that the environment has been, is being or is likely to be damaged,
- (f) that an unlawful or otherwise improper use of funds or resources of a public body, or of other public money, has occurred, is occurring or is likely to occur,
- (g) that an act or omission by or on behalf of a public body is oppressive, discriminatory or grossly negligent or constitutes gross mismanagement, or
- (h) that information tending to show any matter falling within any of the preceding paragraphs has been, is being or is likely to be concealed or destroyed.

(4) For the purposes of *subsection (3)* it is immaterial whether a relevant wrongdoing occurred, occurs or would occur in the State or elsewhere and whether the law applying to it is that of the State or that of any other country or territory.

(5) A matter is not a relevant wrongdoing if it is a matter which it is the function of the worker or the worker's employer to detect, investigate or prosecute and does not consist of or involve an act or omission on the part of the employer.

(6) A disclosure of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings is not a protected disclosure if it is made by a person to whom the information was disclosed in the course of obtaining legal advice.

(7) F1[Subject to *subsection (7A)*, the motivation] for making a disclosure is irrelevant to whether or not it is a protected disclosure.

F2[(7A) Where a worker, referred to in *subsection (1)*, makes a disclosure of relevant information in the manner specified by that subsection, and in respect of that disclosure of relevant information it is alleged that the disclosure concerned the unlawful acquisition, use or disclosure of a trade secret (within the meaning of the European Union (Protection of Trade Secrets) Regulations 2018 (S.I. No. 188 of 2018)), such disclosure is a protected disclosure provided that the worker has acted for the purposes of protecting the general public interest.]

(8) In proceedings involving an issue as to whether a disclosure is a protected disclosure it shall be presumed, until the contrary is proved, that it is.

#### Annotations

#### Amendments:

- F1** Substituted (9.06.2018) by *European Union (Protection of Trade Secrets) Regulations 2018* (S.I. No. 188 of 2018), reg. 7(a), (b), in effect as per reg. 1(2).
- F2** Inserted (9.06.2018) by *European Union (Protection of Trade Secrets) Regulations 2018* (S.I. No. 188 of 2018), reg. 7(c), in effect as per reg. 1(2).

**Disclosure to  
employer or  
other  
responsible  
person**

6. (1) A disclosure is made in the manner specified in this section if the worker makes it—

- (a) to the worker's employer, or
- (b) where the worker reasonably believes that the relevant wrongdoing which the disclosure tends to show relates solely or mainly—
  - (i) to the conduct of a person other than the worker's employer, or
  - (ii) to something for which a person other than the worker's employer has legal responsibility,
 to that other person.

(2) A worker who, in accordance with a procedure the use of which by the worker is authorised by the worker's employer, makes a disclosure to a person other than the employer is to be treated for the purposes of this Act as making the disclosure to the employer.

**Disclosure to  
prescribed  
person**

7. (1) A disclosure is made in the manner specified in this section if the worker—

- (a) makes the disclosure to a person prescribed under *subsection (2) (a)*, and
- (b) reasonably believes—
  - (i) that the relevant wrongdoing falls within the description of matters in respect of which the person is prescribed under *subsection (2) (b)*, and
  - (ii) that the information disclosed, and any allegation contained in it, are substantially true.

(2) The Minister may by order—

- (a) prescribe such persons as, by reason of the nature of their responsibilities or functions, appear appropriate to be recipients of disclosures of relevant wrongdoings falling within the description of matters in respect of which they are prescribed, and
- (b) prescribe in respect of each prescribed person such description of matters as appears appropriate by reason of the nature of the responsibilities or functions of the person.

(3) Every order under *subsection (2)* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done under the order.

**Annotations****Editorial Notes:**

- E3** Power pursuant to subs. (2) exercised (24.09.2020) by *Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020* (S.I. No. 367 of 2020).
- E4** Previous affecting provision: power pursuant to subs. (2) exercised (5.09.2016) by *Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2016* (S.I. No. 490 of 2016); revoked (24.09.2020) by *Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020* (S.I. No. 367 of 2020), art. 3(c).

- E5** Previous affecting provision: power pursuant to subs. (2) exercised (19.10.2015) by *Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2015* (S.I. No. 448 of 2015); revoked (24.09.2020) by *Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020* (S.I. No. 367 of 2020), art. 3(b).
- E6** Previous affecting provision: power pursuant to subs. (2) exercised (23.07.2014) by *Protected Disclosures Act 2014 (Section 7(2)) Order 2014* (S.I. No. 339 of 2014); revoked (24.09.2020) by *Protected Disclosures Act 2014 (Disclosure to Prescribed Persons) Order 2020* (S.I. No. 367 of 2020), art. 3(a).

**Disclosure to Minister**

**8.** A disclosure is made in the manner specified in this section if—

- (a) the worker is or was employed in a public body, and
- (b) the disclosure is made to a Minister of the Government on whom any function relating to the public body is conferred or imposed by or under any enactment.

**Disclosure to legal adviser**

**9.** A disclosure is made in the manner specified in this section if it is made by the worker in the course of obtaining legal advice (including advice relating to the operation of this Act) from a barrister, solicitor, trade union official or official of an excepted body (within the meaning of section 6 of the Trade Union Act 1941).

**Disclosure in other cases**

**10.** (1) A disclosure is made in the manner specified in this section if it is made otherwise than in the manner specified in *sections 6 to 9* and—

- (a) the worker reasonably believes that the information disclosed, and any allegation contained in it, are substantially true,
- (b) the disclosure is not made for personal gain,
- (c) any one or more of the conditions in *subsection (2)* is met, and
- (d) in all the circumstances of the case, it is reasonable for the worker to make the disclosure.

(2) The conditions referred to in *subsection (1)(c)* are—

- (a) that, at the time the worker makes the disclosure, the worker reasonably believes that the worker will be subjected to penalisation by the worker's employer if the worker makes a disclosure in the manner specified in *section 6, 7 or 8,*
- (b) that, in a case where no relevant person is prescribed for the purposes of *section 7* in relation to the relevant wrongdoing, the worker reasonably believes that it is likely that evidence relating to the relevant wrongdoing will be concealed or destroyed if the worker makes a disclosure in the manner specified in *section 6,*
- (c) that the worker has previously made a disclosure of substantially the same information—
  - (i) in the manner specified in *section 6,* or
  - (ii) in the manner specified in *section 7 or 8,*
 and
- (d) that the relevant wrongdoing is of an exceptionally serious nature.

(3) In determining for the purposes of *subsection (1)(d)* whether it is reasonable for the worker to make the disclosure regard shall be had, in particular, to—

- (a) the identity of the person to whom the disclosure is made,
- (b) in a case falling within *subsection (2) (a), (b) or (c)*, the seriousness of the relevant wrongdoing,
- (c) in a case falling within *subsection (2)(a), (b) or (c)*, whether the relevant wrongdoing is continuing or is likely to occur in the future,
- (d) in a case falling within *subsection (2)(c)*, any action which the employer of the worker or the person to whom the previous disclosure was made has taken or might reasonably be expected to have taken as a result of the previous disclosure, and
- (e) in a case falling within *subsection (2)(c)(i)*, whether in making the disclosure to the employer the worker complied with any procedure the use of which by the worker was authorised by the employer.

(4) For the purposes of this section a subsequent disclosure may be regarded as a disclosure of substantially the same information as that disclosed by a previous disclosure as mentioned in *subsection (2)(c)* even though the subsequent disclosure extends to information about action taken or not taken by any person as a result of the previous disclosure.

(5) In *subsection (1)(b)* “personal gain” excludes any reward payable under or by virtue of any enactment.

### PART 3

#### PROTECTIONS

#### Protection of employees from dismissal for having made protected disclosure

11. (1) The Unfair Dismissals Act 1977 is amended—

(a) in section 1 by inserting the following definitions:

“ ‘protected disclosure’ has the meaning given by the *Protected Disclosures Act 2014*;

‘relevant wrongdoing’ has the meaning given by the *Protected Disclosures Act 2014*;”;

(b) in section 6 by inserting the following paragraph after paragraph (b) of subsection (2):

“(ba) the employee having made a protected disclosure;”;

(c) in section 6 by inserting the following subsection after subsection (2C):

“(2D) Sections 3 and 4 do not apply to a case falling within paragraph (ba) of subsection (2) and that paragraph applies to a person who would otherwise be excluded from this Act by any of paragraphs (a) to (c) and (e) to (k) of section 2(1).”;

(d) in section 7 by inserting the following subsection after subsection (1):

“(1A) In relation to a case falling within section 6(2)(ba) the reference in subsection (1)(c)(i) to 104 weeks has effect as if it were a reference to 260 weeks.”;

and

(e) in section 7 by inserting the following subsection after subsection (2A):

“(2B) Where—

- (a) the dismissal of an employee results wholly or mainly from the employee having made a protected disclosure, and
- (b) the investigation of the relevant wrongdoing concerned was not the sole or main motivation for making the disclosure,

the amount of compensation that is just and equitable may be up to 25 per cent less than the amount that it would otherwise be.”.

(2) *Schedule 1* contains provisions for interim relief in cases where a claim is brought for redress for a dismissal which is an unfair dismissal by virtue of section 6(2)(ba) (inserted by *subsection (1)*) of the Unfair Dismissals Act 1977.

**Other  
protection of  
employees from  
penalisation for  
having made  
protected  
disclosure**

12. (1) An employer shall not penalise or threaten penalisation against an employee, or cause or permit any other person to penalise or threaten penalisation against an employee, for having made a protected disclosure.

(2) *Subsection (1)* does not apply to the dismissal of an employee to whom section 6(2)(ba) of the Unfair Dismissals Act 1977 applies.

(3) *Schedule 2* shall have effect in relation to an alleged contravention of *subsection (1)*.

(4) *Subsection (3)* does not apply in relation to the penalisation of an employee if the employee is within paragraph (d) of section 2(1) of the Unfair Dismissals Act 1977.

(5) Any person who, on examination authorised under *paragraph 3(1)* of *Schedule 2*, wilfully makes any material statement which the person knows to be false or does not believe to be true commits an offence and is liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.

(6) A person to whom a notice under *paragraph 3(2)* of *Schedule 2* has been given and who refuses or wilfully neglects to attend in accordance with the notice or who, having so attended, refuses to give evidence or refuses or wilfully fails to produce any document to which the notice relates commits an offence and is liable on summary conviction to a class A fine.

(7) A document purporting to be signed by the chairperson or a deputy chairperson of the Labour Court stating that—

- (a) a person named in the document was, by a notice under *paragraph 3(2)* of *Schedule 2*, required to attend before the Labour Court on a day and at a time and place specified in the document, to give evidence or produce a document, or both, and
- (b) a sitting of the Labour Court was held on that day and at that time and place, and the person did not attend before the Labour Court pursuant to the notice or, having so attended, refused to give evidence or refused or wilfully failed to produce the document, shall, in a prosecution of the person for an offence under *subsection (6)*, be evidence of the matters so stated without further proof unless the contrary is shown.

(8) Summary proceedings for an offence under *subsection (5)* or *(6)* may be brought and prosecuted by the Minister for Jobs, Enterprise and Innovation.

(9) Where an offence under *subsection (5)* or *(6)* is committed by a body corporate and it is proved that the offence was committed with the consent or connivance, or was attributable to any wilful neglect, of a person who was a director, manager, secretary or other officer of the body corporate, or a person purporting to act in that capacity, that person, as well as the body corporate, is guilty of an offence and may



be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(10) Where the affairs of a body corporate are managed by its members, *subsection (9)* applies in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

#### Annotations

#### Editorial Notes:

- E7** Redress and appeal procedures for purposes of subs. (1) provided (1.10.2015) by *Workplace Relations Act 2015* (16/2015), ss. 41 and 44 and sch. 5 part 1 item 28, sch. 6 part 1 item 34 and sch. 6 part 2 item 34, S.I. No. 410 of 2015.
- E8** Subs. (1) included in definitions of “employment enactment” and “relevant enactment” (1.08.2015) by *Workplace Relations Act 2015* (16/2015), s. 2 and sch. 1 part 2 item 18, S.I. No. 338 of 2015, with the following effects:
- Authorised officers or inspectors under employment enactments deemed to be appointed under *Workplace Relations Act 2015* (16/2015), s. 26(2) and subject to termination under s. 26(4).
  - Powers of inspectors for purposes of relevant enactments defined in *Workplace Relations Act 2015* (16/2015), s. 27.
  - Workplace Relations Commission, an inspector or an adjudication officer authorised to disclose employer’s registered number or employee’s PPSN to enable Labour Court to perform functions under relevant enactments by *Workplace Relations Act 2015* (16/2015) s. 31(5).
  - Power of Workplace Relations Commission and official body to disclose information to each other concerning the commission of offence under relevant enactment provided by *Workplace Relations Act 2015* (16/2015), s. 32.
  - Power of Workplace Relations Commission and contracting authority to disclose information to each other concerning the commission of offence under employment enactment/ relevant enactment provided by *Workplace Relations Act 2015* (16/2015), s. 33.
  - Powers of Minister to prosecute under relevant enactments transferred to Workplace Relations Commission and references construed by *Workplace Relations Act 2015* (16/2015), s. 37.
  - Functions of EAT to hear claims under employment enactments transferred to Workplace Relations Commission and references to EAT construed by *Workplace Relations Act 2015* (16/2015) s. 66(1), (2), not commenced as of date of revision.

#### Tort action for suffering detriment because of making protected disclosure

**13.** (1) If a person causes detriment to another person because the other person or a third person made a protected disclosure, the person to whom the detriment is caused has a right of action in tort against the person by whom the detriment is caused.

(2) A person may not both—

(a) pursue a right of action under *subsection (1)* against a person in respect of a matter, and

(b) in respect of the same matter make or present against the same person—

(i) a claim for redress under the Unfair Dismissals Acts 1977 to 2007,

(ii) a complaint under *Schedule 2*, or

(iii) a complaint under section 114 of the Defence Act 1954 or section 6 of the Ombudsman (Defence Forces) Act 2004.

(3) In *subsection (1)* “detriment” includes—

(a) coercion, intimidation or harassment,

- (b) discrimination, disadvantage or adverse treatment in relation to employment (or prospective employment),
- (c) injury, damage or loss, and
- (d) threat of reprisal.

**Immunity from civil liability for making protected disclosure**

14. (1) No cause of action in civil proceedings, other than a defamation action (within the meaning of the Defamation Act 2009), shall lie against a person in respect of the making of a protected disclosure.

(2) The Defamation Act 2009 is amended in Part 1 of Schedule 1 by inserting the following paragraph after paragraph 13:

“13A. A protected disclosure within the meaning of the *Protected Disclosures Act 2014*.”.

**Making protected disclosure not to constitute criminal offence**

15. In a prosecution of a person for any offence prohibiting or restricting the disclosure of information it is a defence for the person to show that, at the time of the alleged offence, the disclosure was, or was reasonably believed by the person to be, a protected disclosure.

**Protection of identity of maker of protected disclosure**

16. (1) A person to whom a protected disclosure is made, and any person to whom a protected disclosure is referred in the performance of that person’s duties, shall not disclose to another person any information that might identify the person by whom the protected disclosure was made.

(2) *Subsection (1)* does not apply if—

- (a) the person to whom the protected disclosure was made or referred shows that he or she took all reasonable steps to avoid so disclosing any such information,
- (b) the person to whom the protected disclosure was made or referred reasonably believes that the person by whom the protected disclosure was made does not object to the disclosure of any such information,
- (c) the person to whom the protected disclosure was made or referred reasonably believes that disclosing any such information is necessary for—
  - (i) the effective investigation of the relevant wrongdoing concerned,
  - (ii) the prevention of serious risk to the security of the State, public health, public safety or the environment, or
  - (iii) the prevention of crime or prosecution of a criminal offence,
 or
- (d) the disclosure is otherwise necessary in the public interest or is required by law.

(3) A failure to comply with *subsection (1)* is actionable by the person by whom the protected disclosure was made if that person suffers any loss by reason of the failure to comply.

## PART 4

### SPECIAL CASES

**Law  
enforcement,  
etc.**

17. (1) This section applies to a disclosure of relevant information, other than a disclosure of relevant information to which *section 18* applies, that might reasonably be expected to facilitate the commission of an offence or to prejudice or impair—

- (a) the prevention, detection or investigation of offences, the apprehension or prosecution of offenders or the effectiveness of lawful methods, systems, plans or procedures employed for any of those matters,
- (b) the enforcement or administration of, or compliance with, any law,
- (c) lawful methods, systems, plans or procedures employed for ensuring the safety of the public or the safety or security of persons or property,
- (d) the fairness of proceedings before a court or tribunal,
- (e) the security of a relevant institution, or
- (f) the security of any system of communications of the Garda Síochána, the Defence Forces or a relevant institution.

(2) If a person has been prescribed in relation to the relevant information under *section 7*, the disclosure is not a protected disclosure unless—

- (a) it is made in the manner specified in *section 6(1)(a)*, 7 or 9, or
- (b) if it is taxpayer information, it is made in the manner specified in *section 10* to the Comptroller and Auditor General, or
- (c) in any other case, it is made in the manner specified in *section 10*, the conditions in *subsection (3)* are met and it is made to a member of Dáil Éireann or Seanad Éireann.

(3) The conditions referred to in *subsection (2)(c)* are—

- (a) that the person by whom the disclosure was made has made a disclosure of substantially the same relevant information in the manner specified in *section 7*,
- (b) that a reasonable period for taking action in relation to that disclosure has passed, and
- (c) that, having notified the person prescribed under *section 7* in relation to the relevant information, the person by whom that disclosure was made reasonably believes that no action has been taken in relation to that disclosure or that any action so taken was inadequate.

(4) If no person has been prescribed under *section 7* in relation to the relevant information, the disclosure is not a protected disclosure unless—

- (a) it is made in the manner specified in *section 6(1)(a)* or 9, or
- (b) it is made in the manner specified in *section 10*, the condition in *subsection (5)* is met and it is made to a member of Dáil Éireann or Seanad Éireann.

(5) The condition referred to in *subsection (4)(b)* is that the disclosure is to the effect that—

- (a) an investigation undertaken for the purpose of the enforcement of any law, or anything done in the course of such an investigation, or
- (b) anything done for the purpose of the prevention or detection of any offence, the apprehension of an offender or the prosecution of an offence, is not authorised by law or contravenes any law.

(6) Procedures established by Standing Orders of Dáil Éireann or Seanad Éireann may regulate how members of Dáil Éireann or Seanad Éireann are to deal with relevant information disclosed to them under *subsection (2)(c) or (4)(b)*.

(7) In this section—

“relevant institution” means—

- (a) a place to which the Prisons Acts 1826 to 2007 apply,
- (b) a military prison or detention barrack within the meaning in each case of the Defence Act 1954,
- (c) St. Patrick’s Institution,
- (d) a children detention school within the meaning of section 3 of the Children Act 2001, or
- (e) a remand centre designated under section 88 of the Children Act 2001;

“taxpayer information” has the same meaning as in section 851A of the Taxes Consolidation Act 1997.

**Security,  
defence,  
international  
relations and  
intelligence**

**18.** (1) This section applies to a disclosure of information if it might reasonably be expected—

- (a) to affect adversely—
  - (i) the security of the State,
  - (ii) the defence of the State, or
  - (iii) the international relations of the State,
 or
- (b) to reveal, or lead to the revelation of, the identity of a person who has given information in confidence to a public body in relation to the enforcement or administration of the law or any other source of such information given in confidence.

(2) Without prejudice to the generality of *subsection (1)* this section applies to a disclosure of information—

- (a) which was obtained or prepared for the purpose of intelligence in respect of the security or defence of the State,
- (b) which relates to—
  - (i) the tactics, strategy or operations of the Defence Forces in or outside the State, or
  - (ii) the detection, prevention or suppression of activities calculated or tending to undermine the public order or the authority of the State (which expression has the same meaning as in section 2 of the Offences Against the State Act 1939),
- (c) which consists of a communication between a Minister of the Government and a diplomatic mission or consular post in the State or a communication between the Government or a person acting on behalf of the Government and another government or a person acting on behalf of another government,
- (d) which consists of a communication between a Minister of the Government and a diplomatic mission or consular post of the State,

- (e) which was communicated in confidence to any person in or outside the State from any person in or outside the State, relates to a matter referred to in *subsection (1)* or to the protection of human rights and was expressed by the latter person to be confidential or to be communicated in confidence,
- (f) which was communicated in confidence from, to or within an international organisation of states or a subsidiary organ of such an organisation or an institution or body of the European Union or relates to negotiations between the State and such an organisation, organ, institution or body or within or in relation to such an organisation, organ, institution or body, or
- (g) which is contained in a record of an organisation, organ, institution or body referred to in *paragraph (f)* and the disclosure of which is prohibited by the organisation, organ, institution or body.

(3) A disclosure of information to which this section applies is not a protected disclosure unless—

- (a) it is made in the manner specified in *section 6(1)(a), 8 or 9, or*
- (b) it is made in the manner specified in *section 10* to the Disclosures Recipient.

(4) There shall be an office of Disclosures Recipient and *Schedule 3* shall have effect in relation to that office.

**Amendments of  
Garda Síochána  
Act 2005**

19. (1) The Garda Síochána Act 2005 is amended—

- (a) by inserting the following section after section 102:

**“Protected disclosures relating to the Garda Síochána**

**102A.** (1) Where a disclosure relating to the Garda Síochána is disclosed to the Ombudsman Commission as a prescribed person under *section 7* of the *Protected Disclosures Act 2014* in respect of disclosures so relating, it may, if it appears to it desirable in the public interest to do so, investigate the disclosure, even if the worker (within the meaning of that Act) making the disclosure is a member of the Garda Síochána.

(2) The provisions of this Part relating to investigations and reports apply with the necessary modifications in relation to a relevant wrongdoing to which a disclosure referred to in subsection (1) relates as though it were the subject of a complaint referred to in section 91.”

and

- (b) by repealing section 124.

(2) The Garda Síochána (Confidential Reporting of Corruption or Malpractice) Regulations 2007 (S.I. No. 168 of 2007) are revoked.

**Amendment of  
Ombudsman  
(Defence  
Forces) Act  
2004**

20. (1) Section 4 of the Ombudsman (Defence Forces) Act 2004 is amended by inserting the following subsection after subsection (3):

“(3A) If the complaint is that a person has penalised or threatened penalisation (within the meaning of the *Protected Disclosures Act 2014*) against, or caused or permitted any other person to penalise or threaten penalisation against, the complainant for having made a protected disclosure (within the meaning of that Act), the Ombudsman—

- (a) is not prevented from investigating any action that is the subject of the complaint, and

(b) may not decide not to carry out, and may not decide to discontinue, an investigation into any such action,

because no complaint has been made under section 114 of the Act of 1954.”

(2) The amendment made by *subsection (1)* does not affect any right to complain, under section 114 of the Defence Act 1954, that a person has penalised or threatened penalisation against, or caused or permitted any other person to penalise or threaten penalisation against, the complainant for having made a protected disclosure or to submit any grievance in relation to such a complaint in accordance with regulations under subsection (4) of the said section 114.

## PART 5

### MISCELLANEOUS AND SUPPLEMENTARY

#### Internal procedures for protected disclosures made by workers employed by public bodies

**21.** (1) Every public body shall establish and maintain procedures for the making of protected disclosures by workers who are or were employed by the public body and for dealing with such disclosures.

(2) The public body shall provide to workers employed by the body written information relating to the procedures established and maintained under *subsection (1)*.

(3) The Minister may issue guidance for the purpose of assisting public bodies in the performance of their functions under *subsection (1)* and may from time to time revise or re-issue it.

(4) Public bodies shall have regard to any guidance issued under subsection (3) in the performance of their functions under *subsection (1)*.

#### Annual report

**22.** (1) Every public body shall prepare and publish not later than 30 June in each year a report in relation to the immediately preceding year in a form which does not enable the identification of the persons involved containing information relating to the matters specified in *subsection (2)*.

(2) Those matters are—

- (a) the number of protected disclosures made to the public body,
- (b) the action (if any) taken in response to those protected disclosures, and
- (c) such other information relating to those protected disclosures and the action taken as may be requested by the Minister from time to time.

#### No contracting-out of protections

**23.** Any provision in an agreement is void in so far as it purports—

- (a) to prohibit or restrict the making of protected disclosures,
- (b) to exclude or limit the operation of any provision of this Act,
- (c) to preclude a person from bringing any proceedings under or by virtue of this Act, or
- (d) to preclude a person from bringing proceedings for breach of contract in respect of anything done in consequence of the making of a protected disclosure.

**Protection of  
disclosure  
provisions in  
other  
enactments**

**24.** (1) The Acts specified in column (2) of *Part 1* of *Schedule 4* are amended to the extent specified in column (4) of that Schedule.

(2) The statutory instrument specified in column (2) of *Part 2* of *Schedule 4* is amended to the extent specified in column (4) of that Schedule.

## SCHEDULE 1

## Interim Relief Pending Determination of Claim for Unfair Dismissal

*Section 11.**Application for interim relief.*

1. (1) An employee who claims to have been dismissed by the employee's employer wholly or mainly for having made a protected disclosure may apply to the Circuit Court for interim relief.

(2) The Circuit Court shall not entertain an application for interim relief unless it is presented to the Court before the end of the period of 21 days immediately following the date of dismissal (whether before, on or after that date) or such longer period as the Court may allow.

(3) The Court shall determine the application for interim relief as soon as practicable.

(4) The employee shall give the employer prior written notice of intention to make the application for interim relief.

(5) The Court shall not exercise any power it has of postponing the hearing of an application for interim relief except where it is satisfied that special circumstances exist which justify it in doing so.

*Procedure on hearing of application and making of order.*

2. (1) This paragraph applies where, on hearing an employee's application for interim relief, it appears to the Court that it is likely that there are substantial grounds for contending that dismissal results wholly or mainly from the employee having made a protected disclosure.

(2) The Court shall announce its findings and explain to both parties (if present)—

(a) what powers the Court may exercise on the application, and

(b) in what circumstances it will exercise them.

(3) The Court shall ask the employer (if present) whether the employer is willing, pending the determination or settlement of the claim—

(a) to reinstate the employee (that is, to treat the employee in all respects as if the employee had not been dismissed), or

(b) if not, to re-engage the employee in another position on terms and conditions not less favourable than those which would have been applicable to the employee if the employee had not been dismissed.

(4) For the purposes of *subparagraph (3)(b)* "terms and conditions not less favourable than those which would have been applicable to the employee if the employee had not been dismissed" means, as regards seniority, pension rights and other similar rights, that the period before the dismissal should be regarded as continuous with the employee's employment following the dismissal.

(5) If the employer states a willingness to reinstate the employee, the Court shall make an order to that effect.

(6) If the employer—

(a) states a willingness to re-engage the employee in another position, and

(b) specifies the terms and conditions on which the employer is willing to do so,



the Court shall ask the employee whether he or she is willing to accept the position on those terms and conditions.

(7) If the employee is willing to accept the position on those terms and conditions, the Court shall make an order to that effect.

(8) If the employee is not willing to accept the position on those terms and conditions—

(a) where the Court is of the opinion that the refusal is reasonable, the Court shall make an order for the continuation of the employee's contract of employment, and

(b) otherwise, the Court shall make no order.

(9) If on the hearing of an application for interim relief the employer—

(a) fails to attend before the Court, or

(b) states an unwillingness either to reinstate or to re-engage the employee as mentioned in *subparagraph (3)*,

the Court shall make an order for the continuation of the employee's contract of employment.

*Order for continuation of contract of employment.*

3. (1) An order under *paragraph 2* for the continuation of an employee's contract of employment is an order that the contract of employment continue in force—

(a) for the purposes of pay or any other benefit derived from the employment, seniority, pension rights and other similar matters, and

(b) for the purposes of determining for any purpose the period for which the employee has been continuously employed,

from the date of its termination (whether before or after the making of the order) until the determination or settlement of the claim.

(2) Where the Court makes such an order it shall specify in the order the amount which is to be paid by the employer to the employee by way of pay in respect of each normal pay period, or part of any such period, falling between the date of dismissal and the determination or settlement of the claim.

(3) Subject to the following provisions, the amount so specified shall be that which the employee could reasonably have been expected to earn during that period, or part, and shall be paid—

(a) in the case of a payment for any such period falling wholly or partly after the making of the order, on the normal pay day for that period, and

(b) in the case of a payment for any past period, within such time as may be specified in the order.

(4) If an amount is payable in respect only of part of a normal pay period, the amount shall be calculated by reference to the whole period and reduced proportionately.

(5) Any payment made to an employee by an employer under his or her contract of employment, or by way of damages for breach of that contract, in respect of a normal pay period, or part of any such period, goes towards discharging the employer's liability in respect of that period under *subparagraph (2)* ; and, conversely, any payment under that subparagraph in respect of a period goes towards discharging

any liability of the employer under, or in respect of breach of, the terms and conditions of employment or contract of employment in respect of that period.

(6) If an employee, on or after being dismissed, receives a lump sum which, or part of which, is in lieu of wages but is not referable to any normal pay period, the Court shall take the payment into account in determining the amount of pay to be payable in pursuance of any such order.

(7) For the purposes of this paragraph, the amount which an employee could reasonably have been expected to earn, the employee's normal pay period and the normal pay day for each such period shall be determined as if the employee had not been dismissed.

*Application for variation or revocation of order.*

4. (1) At any time between—

(a) the making of an order under *paragraph 2*, and

(b) the determination or settlement of the claim,

the employer or the employee may apply to the Court for the revocation or variation of the order on the ground of a relevant change of circumstances since the making of the order.

(2) *Paragraphs 1 and 2* apply in relation to such an application as in relation to an original application for interim relief except that, in the case of an application by the employer, *paragraph 1(4)* has effect with the substitution of a reference to the employee for the reference to the employer and of a reference to the employer for the reference to the employee.

*Consequence of failure to comply with order.*

5. (1) If, on the application of an employee, the Court is satisfied that the employer has not complied with the terms of an order for the reinstatement or re-engagement of the employee under *paragraph 2*, the Court shall—

(a) make an order for the continuation of the employee's contract of employment,  
and

(b) order the employer to pay compensation to the employee.

(2) Compensation under *subparagraph (1)(b)* shall be of such amount as the Court considers just and equitable in all the circumstances having regard—

(a) to the infringement of the employee's right to be reinstated or re-engaged in pursuance of the order, and

(b) to any loss suffered by the employee in consequence of the non-compliance.

(3) *Paragraph 3* applies to an order under *subparagraph (1)(a)* as in relation to an order under *paragraph 2*.

(4) If on the application of an employee the Court is satisfied that the employer has not complied with the terms of an order under *subparagraph (1)(a)* for the continuation of the employee's contract of employment *subparagraph (5)* or *(6)* applies.

(5) Where the non-compliance consists of a failure to pay an amount by way of pay specified in the order, the Court shall determine the amount owed by the employer on the date of the determination.

(6) In any other case, the Court shall order the employer to pay the employee such compensation as the Court considers just and equitable in all the circumstances having regard to any loss suffered by the employee in consequence of the non-compliance.

(7) Any sum awarded to the employee on the determination of the claim that he or she has been unfairly dismissed shall be specified separately from any amount determined under *subparagraph (5)*.

#### Annotations

#### Modifications (not altering text):

**C1** Schedule (other than para. 1(1)) applied with modifications by *Industrial Relations (Amendment) Act 2001* (11/2001), s. 11A, as inserted (1.08.2015) by *Industrial Relations (Amendment) Act 2015* (27/2015), s. 34, S.I. No. 329 of 2015.

#### [Interim relief pending determination of claim for unfair dismissal

**11A.** (1) Where a worker has made a claim under paragraph (aa) of section 6(2) of the Unfair Dismissals Act 1977, he or she may apply to the Circuit Court for interim relief pending determination of that claim.

(2) Schedule 1 (other than paragraph 1(1)) to the Protected Disclosures Act 2014 shall apply to an application under subsection (1) with the following modifications:

- (a) the references to 'employee' shall be construed as references to 'worker or employee';
- (b) in paragraph 2(1) the reference to 'the employee having made a protected disclosure' shall be construed as a reference to 'the grounds specified in paragraph (aa) of section 6(2) of the Unfair Dismissals Act 1977'.

(3) An application to the Circuit Court under this section shall be made to the Circuit Court sitting in the circuit in which the employer concerned carries on his or her business.]

## SCHEDULE 2

### Redress for Contravention of *section 12(1)*

#### *Section 12.*

#### F3[*Decision under section 41 of Workplace Relations Act 2015*

1. A decision of an adjudication officer under section 41 of the Workplace Relations Act 2015 in relation to a complaint of a contravention of section 12(1) shall do one or more of the following, namely—

- (a) declare that the complaint was or, as the case may be, was not well founded,
- (b) require the employer to take a specified course of action,
- (c) require the employer to pay to the employee compensation of such amount (if any) as the adjudication officer considers just and equitable having regard to all the circumstances, but not exceeding 260 weeks' remuneration in respect of the employee's employment calculated in accordance with regulations under section 17 of the Unfair Dismissals Act 1977.]

#### F3[*Decision of Labour Court on appeal from decision referred to in paragraph 1*

2. A decision of the Labour Court under section 44 of the Workplace Relations Act 2015, on appeal from a decision of an adjudication officer referred to in paragraph 1, shall affirm, vary or set aside the decision of the adjudication officer.]

*Paragraphs 1 and 2: supplementary provisions.*

3. F4[...]

*Enforcement of determinations of Labour Court.*

4. F4[...]

*Provisions relating to winding up and bankruptcy.*

5. F4[...]

*Amendment of Protection of Employees (Employers' Insolvency) Act 1984.*

6. F4[...]

#### Annotations

#### Amendments:

- F3** Substituted (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 52(1) and sch. 7 part 1 ref. 34, S.I. No. 410 of 2015, subject to transitional provision in subs. (3).
- F4** Repealed (1.10.2015) by *Workplace Relations Act 2015* (16/2015), s. 8(1) and sch. 2 part 1 ref. 32, S.I. No. 410 of 2015, subject to transitional provision in subs. (2).

### SCHEDULE 3

#### *Disclosures Recipient*

#### *Section 18.*

##### *Appointment.*

(1) The Taoiseach shall appoint as the Disclosures Recipient a person who is a judge or retired judge of the High Court.

##### *Term of office.*

2. (1) The Disclosures Recipient shall hold office for an initial term of 5 years and is eligible for re-appointment for one further term of 5 years.

(2) The Disclosures Recipient may at any time resign by letter addressed to the Taoiseach, and the resignation takes effect on the date the Taoiseach receives the letter.

(3) The Taoiseach may remove the Disclosures Recipient from office, but only for stated misbehaviour or for incapacity.

(4) A person ceases to be the Disclosures Recipient on being—

(a) nominated as a member of Seanad Éireann,

- (b) elected as a member of either House of the Oireachtas or of the European Parliament,
- (c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to the European Parliament to fill a vacancy, or
- (d) becoming a member of a local authority.

*Terms and conditions.*

3. The terms and conditions (including terms relating to allowances for expenses and, in the case of a person who is a retired judge of the High Court, terms relating to remuneration) on which the Disclosures Recipient holds office are such as may be determined at the time of appointment (or re-appointment) by the Taoiseach after consultation with the Minister for Public Expenditure and Reform.

*Administration and support services.*

4. The Minister shall provide such administration and support services to the Disclosures Recipient as are necessary for the performance of his or her functions.

*Functions.*

5. Where a protected disclosure is made to the Disclosures Recipient under *section 18*, the Disclosures Recipient shall consider the relevant information and—

- (a) if he or she considers that the disclosure of relevant information is not one to which *section 18* applies, shall give notice to the person by whom the disclosure was made stating that, and
- (b) otherwise, shall make a report—
  - (i) referring the relevant information for consideration by the holder of such public office, or such public body, as appears to the Disclosures Recipient to be the most appropriate to consider the relevant information, and
  - (ii) including any such recommendations for the taking of action in relation to the relevant information as the Disclosures Recipient may consider appropriate.

*Reports.*

6. No later than 31 March in each year the Disclosures Recipient shall submit to the Taoiseach a report on his or her activities in the immediately preceding year.

SCHEDULE 4

Amendments

*Section 24.*

PART 1

Amendment of Acts

## Section 24(1).

Item (1)	Short title, number and year	Provision affected	Amendment
	(2)	(3)	(4)
1	Protections for Persons Reporting Child Abuse Act 1998 (No. 49 of 1998)	Section 3	After subsection (2) insert—  “(3) This section does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
		Section 4	After subsection (1) insert—  “(1A) Subsection (1) does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
		Section 5	After subsection (1) insert—  “(1A) This section does not apply to the making of a statement that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
2	Prevention of Corruption (Amendment) Act 2001 (No. 27 of 2001)	Section 8A	(a) After subsection (2) insert—  “(2A) Subsection (1) does not apply to a communication, or furnishing of information, that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.  (b) After subsection (5) insert—  “(5A) Subsection (5) does not apply to a communication, or furnishing of information, that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
3	Standards in Public Office Act 2001 (No. 31 of 2001)	Section 5	After subsection (2) insert—  “(2A) Subsection (1) does not apply to the making of a complaint, or the furnishing of information, that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
4	Competition Act 2002 (No. 14 of 2002)	Section 50	(a) After subsection (2) insert—  “(2A) Subsection (1) does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.  (b) After subsection (3) insert—  “(3A) Subsection (3) does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.  (c) After subsection (5) insert—

Item (1)	Short title, number and year	Provision affected	Amendment (4)
			“(5A) Subsection (5) does not apply to the making of a statement that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
5	Communications Regulation Act 2002 (No. 20 of 2002)	Section 24A  Section 24B  Section 24C	After subsection (2) insert—  “(2A) Subsection (1) does not apply where the disclosure is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.  After subsection (1) insert—  “(1A) Subsection (1) does not apply where the disclosure is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.  Rename as subsection (1) and after that subsection insert—  “(2) Subsection (1) does not apply where the disclosure is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
6	Health Act 2004 (No. 42 of 2004)	Section 55L  Section 55M  Section 55S	After subsection (3) insert—  “  (4) This section does not apply where the protected disclosure is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.  After subsection (1) insert—  “(1A) Subsection (1) does not apply where the protected disclosure is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.  After subsection (1) insert—  “(1A) This section does not apply where the disclosure is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
7	Employment Permits Act 2006 (No. 16 of 2006)	Section 26	After subsection (3) insert—  “(3A) Subsection (3) does not apply where the complaint is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
8	Consumer Protection Act 2007 (No. 19 of 2007)	Section 87	(a) After subsection (2) insert—  “(2A) Subsection (1) does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.  (b) After subsection (3) insert—

Item (1)	Short number (2)	title, and year (3)	Provision affected (3)	Amendment (4)
				<p>“(3A) Subsection (3) does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p> <p>(c) After subsection (5) insert—</p> <p>“(5A) Subsection (5) does not apply to the making of a statement that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p>
9	Chemicals 2008 (No. 13 2008)	Act	Section 25	<p>Renumber as subsection (1) and after that subsection insert—</p> <p>“(2) Subsection (1) does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p> <p>Section 26</p> <p>After subsection (1) insert—</p> <p>“(1A) Subsection (1) does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p>
10	Charities 2009 (No. 6 2009)	Act	Section 61	<p>Renumber as subsection (1) and after that subsection insert—</p> <p>“(2) Subsection (1) does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p> <p>Section 62</p> <p>After subsection (1) insert—</p> <p>“(1A) Subsection (1) does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p>
11	National Management Agency Act (No. 34 of 2009)	Asset	Section 222	<p>After subsection (3) insert—</p> <p>“</p> <p>(4) This section does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p> <p>Section 223</p> <p>After subsection (3) insert—</p> <p>“(3A) Subsection (3) does not apply to the making of a complaint that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p>



Item	Short title, number and year	Provision affected	Amendment
(1)	(2)	(3)	(4)
		Section 224	After subsection (1) insert—  “(1A) Subsection (1) does not apply to the making of a statement that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
12	Inland Fisheries Act 2010 (No. 10 of 2010)	Section 37	After subsection (3) insert—  “(4) This section does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
		Section 38	After subsection (1) insert—  “(1A) Subsection (1) does not apply to the making of a complaint that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
		Section 39	After subsection (1) insert—  “(1A) This section does not apply to the making of a statement that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
13	Criminal Justice Act 2011 (No. 22 of 2011)	Section 20	After subsection (1) insert—  “(1A) Subsection (1) does not apply to the making of a disclosure that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
		Section 21	After subsection (1) insert—  “(1A) Subsection (1) does not apply to the making of a disclosure that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
14	Property Services (Regulation) Act 2011 (No. 40 of 2011)	Section 67	(a) After subsection (2) insert—  “(2A) Subsection (1) does not apply to a communication, or furnishing of information, that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.  (b) After subsection (3) insert—  “(3A) Subsection (3) does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.  (c) After subsection (5) insert—

Item	Short title, number and year	Provision affected	Amendment
(1)	(2)	(3)	(4)
15	Protection of Employees (Temporary Agency Work) Act 2012 (No. 13 of 2012)	Section 21  Section 22  Section 23  Section 24	<p>Renumber as subsection (1) and after that subsection insert—</p> <p>“(5A) Subsection (5) does not apply to a communication, or furnishing of information, that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p> <p>“(2) Subsection (1) does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p> <p>After subsection (1) insert—</p> <p>“(1A) This section does not apply to the making of a statement that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p> <p>After subsection (1) insert—</p> <p>“(1A) Subsection (1) does not apply to the making of a complaint that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p> <p>After subsection (1) insert—</p> <p>“(1A) Subsection (1) does not apply to the making of a complaint that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p>
16	Further Education and Training Act 2013 (No. 25 of 2013)	Section 34	<p>After subsection (3) insert—</p> <p>“(4) This section does not apply to a communication that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>.”.</p>
17	Central Bank (Supervision and Enforcement) Act 2013 (No. 26 of 2013)	Section 38	<p>(a) After subsection (1) insert—</p> <p>(1A) Subsection (1) does not apply to a disclosure that is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i>. ”.</p> <p>(b) In subsection (4) (a), after “disclosures” insert “and disclosures which would be protected disclosures but for subsection (1A)”.</p>

## PART 2

## Amendment of Statutory Instrument

*Section 24(2).*

Item	Citation, number and year	Provision affected	Amendment
(1)	(2)	(3)	(4)
1	European Communities (Occurrence Reporting in Civil Aviation) Regulations 2007 (S.I. No. 285 of 2007)	Regulation 5	After paragraph (3) insert—  “(4) Paragraph (3) (b) does not apply where the making of the report or the giving of the information is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
		Regulation 6	After paragraph (3) insert—  “(4) Paragraph (3) does not apply where the making of the report or the giving of the information is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
		Regulation 9	After paragraph (7) insert—  “(8) Paragraphs (4) to (7) do not apply where the making of the report is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.
		Regulation 11	After paragraph (3) insert—  “(4) Paragraph (1) does not apply where the making of the report or the giving of the information is a protected disclosure within the meaning of the <i>Protected Disclosures Act 2014</i> .”.