



**BRIEFING PAPER**  
WHISTLEBLOWER PROTECTION IN THE EU

# Whistleblower Protection in Ireland

## Introduction

In 2014 Ireland joined the small number of EU countries to have passed a comprehensive whistleblower protection law. The Protected Disclosures Act grants legal rights to public and private employees who report crime, misconduct and public health dangers. The law, which includes many European and international best practices, is considered among the strongest enacted in recent years.

The law was passed following a string of public scandals and high-profile whistleblower cases that collectively helped build political will and improve public perceptions of whistleblowing as an effective means to expose and fight corruption.

As of the end of 2016, it was not yet known how well the new law was working in practice. However, mechanisms for employees to report misconduct and file retaliation complaints have been set up, and how-to information has been made available to the public.

## Laws, Institutions and Procedures

The Protected Disclosure Act (PDA) protects all workers employed under Irish law who have disclosed or reported information on wrongdoing or dangers in the public interest. The law allows employees to report a wide range of misconduct, including crimes, miscarriage of justice, health and safety threats, misuse of public funds, public mismanagement and environmental harm.

Employees who disclose information according to the law are protected from a wide range of reprisals, as well as from civil liability and criminal prosecution. Retaliation victims can obtain assistance from the Workplace Relations Commission, which provides an online complaint form. Complaints should be made within six months of the retaliatory acts.

Victimized whistleblowers can apply for compensation of up to five years' salary, and may also be compensated if their family members face coercion, harassment or discrimination. People who penalize or retaliate against a whistleblower are subject to disciplinary actions.

Depending on the particulars of each case, disclosures can be made to employers, government authorities, Parliament members, lawyers, trade unions or, in special situations, to the media. Deliberately making a false report is not protected.

## Recent or Ongoing Initiatives and Trends

A range of procedures and mechanisms to administer and enforce the law has been established. Many websites offer plainspoken advice to employees considering making a report under the PDA, or who have been retaliated against for making a disclosure.

## Whistleblower Cases

Many recent cases helped to build momentum to introduce and pass the new law.

In 2013 two whistleblowers revealed systemic misconduct within the national police force Garda Síochána, including allegations of waiving traffic violation points, bugging the Ombudsman's office and monitoring telephones in police stations. The police commissioner and justice minister resigned as a result.

In 2012 caregiver Louise Bayliss was fired by the Irish Advocacy Network after she went on the radio and said that psychiatric patients were locked in a hospital ward over the Christmas holiday. Bayliss was reinstated following a nationwide public uproar.

The case of Jonathan Sugarman, former risk manager of UniCredit in Dublin, however, has barely made it into national news. While his disclosure about liquidity issues in the Irish banking sector came only months before the collapse of Lehman Brothers, causing an international banking crisis, Sugarman has neither received recognition nor government support.

## Data and Statistics

Despite substantial efforts to implement the law, the number of disclosures and retaliation complaints filed under the PDA is not known. From October 1 through December 31, 2015, the Workplace Relations Commission received 3,212 complaints. The second-most common complaint was unfair dismissal, but it is not known how many of these were whistleblower cases.

## Public Perceptions of Whistleblowing

High-profile cases including corruption in the police force, fraud in Irish banks and irregularities in local and national governments have led to more positive media coverage and improved citizens' perceptions of whistleblowing. Ireland's close proximity to the UK, where a whistleblower protection law has been in place since 1998, has also contributed to this.

Media coverage and public pressure have led to the reinstatement of some whistleblowers in Ireland, including Louise Bayliss.

## Capacities and Knowledge Centers

Victimized whistleblowers can file complaints with the Workplace Relations Commission. The agency provides extensive and accessible information on the PDA and its procedures ([www.workplacelrelations.ie](http://www.workplacelrelations.ie)).

The Ireland chapter of Transparency International was involved in drafting and advocating for the PDA. The organization operates a "Speak Up" helpline where people can make reports and seek advice, and it has produced a "Speak Up Safely" guide and video on whistleblowing.

Another disclosure channel is provided by the website "Whistleblowers Ireland."