



Rialtas na hÉireann
Government of Ireland

Protected Disclosures Act

Key messages
for workers



What is the Protected Disclosures Act?



People who speak up about wrongdoing in the workplace perform a valuable public service.



Many important matters of public concern would never have come to light if workers hadn't reported their concerns.



Reporting persons – or “whistleblowers” – should not be treated unfairly or lose their job because they have spoken up about unlawful or improper behaviour.



There are legal protections against penalisation for reporting persons in Ireland.



The Protected Disclosures Act 2014 sets out how wrongdoing can be reported and how reporting persons are to be protected from penalisation.



The Act was amended in 2022 and there are now new obligations employers must fulfil.



Who is protected?

The Protected Disclosures Act applies to persons in the public, private and not-for-profit sectors who report concerns about wrongdoing they have encountered in the course of their work.

The protections of the Act apply to:

- Employees
- Agency workers
- Contractors
- Trainees
- Volunteers
- Board members
- Shareholders
- Job applicants

What wrongdoings can be reported?

- Criminal offences
- Failure to comply with a legal obligation (other than your contract of employment)
- Miscarriage of justice
- Endangerment of health and safety
- Damage to the environment
- Unlawful or improper use of public funds
- Oppressive, discriminatory or negligent behaviour by a public body
- Breaches of EU law
- Concealing or destroying evidence of wrongdoing

Personal grievances between a reporting person and their employer or a co-worker that solely effect the reporting person are not protected by the Act.

Such matters may be protected under general employment law however.

How can wrongdoing be reported?

To your employer

- Around 90% of people report to their employer in the first instance.
- Organisations with 50 or more employees must have dedicated reporting channels.

To a prescribed person

- If you don't want to report to your employer or reporting to your employer hasn't worked you can report to a regulator, known as a "prescribed person".
- A list of prescribed persons can be found at: www.gov.ie/prescribed-persons
- You can also report to the Protected Disclosures Commissioner and they will refer your report to a suitable prescribed person. See: www.opdc.ie

Public disclosure

- If all other options fail, workers can make a public disclosure.
- Such disclosures are subject to more stringent conditions to qualify for protection however.

What to expect when you report

If your employer has a formal reporting channel, you should expect:

- Acknowledgement of your report within 7 days;
- Diligent follow-up by your employer;
- Feedback on actions taken or planned to be taken after 3 months; and
- Further feedback every 3 months, on request.

If you report to a prescribed person, you should expect:

- Acknowledgement of your report within 7 days;
- Diligent follow-up by the prescribed person;
- Feedback on actions taken or planned to be taken after 3 months;
- Further feedback every 3 months, upon written request;
- Information on the final outcome of any investigation initiated by your report.

What protections are available?

Any act of penalisation that causes detriment to a reporting person is prohibited.

- Penalisation includes dismissal and also any other form of unfair treatment, such as suspension, reduction in wages or hours, demotion and transfer of duties as well as intimidation and harassment.
- Penalising a reporting person is a criminal offence.
- Reporting persons who suffer detriment can seek compensation at the Workplace Relations Commission or the courts.

Reporting persons are protected from any civil or criminal liability for reporting confidential information, provided it is done so in accordance with the law.

Non-disclosure agreements cannot be used to prevent a person reporting a wrongdoing.

Employers and regulators must keep the identity of the reporting person confidential.

Special provisions for the public sector

All public bodies – regardless of size – must have reporting channels in place for their employees.

As well as the right to report to your employer and to a regulator, if you are employed by a public body, you may also report to the Minister responsible for the body you work for.

In most situations you must first report either to your employer or to a regulator before you report to a Minister.

Reports made to Ministers will be sent to the Protected Disclosures Commissioner who will refer the report to the most suitable person to take action.

Restrictions apply to the reporting of information relating to law enforcement, security, defence, international relations and intelligence.

- Check your employer's procedures and, if necessary, seek legal advice before reporting on such matters.

Where can I find further information?

If you are in any doubt as to whether the legislation and its protections apply to you, always seek legal advice before reporting.

Information and advice (including legal advice) on speaking up safely is available, for free, from Transparency International Ireland.

General advice may also be obtained, for free, from Citizens Information.

Further information on the legislation is available at:





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