

The following guidance is not, and should not be treated as, a complete and authoritative statement of the law.

This guidance is to help Complainants properly to complete their form of Complaint of Protected Disclosures ("Whistleblowing") to the Employment & Equality Tribunal.

Advice from legal or other appropriate sources should be sought as necessary.

Meaning of "Protected Disclosure"

Within Section 49 of the Employment Act 2006 defines a ***"protected disclosure"*** as *a qualifying disclosure (as defined by section 50) which is made by a worker in accordance with any of sections 51 to 56, or in accordance with section 5(1) or 5(2) of the Corruption Act 2008.*

In layperson's terms any Complainant must allege one or more of the following (*Section 50 of the Employment Act 2006*):

- (a) That a criminal offence has been committed, is being committed 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 to which he or she is subject, ¹
- (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, or
- (f) That information tending to show any matter falling within any one of the preceding paragraphs has been, or is likely to be deliberately concealed.

¹ *The intention of this part of the Act is not to bring an alleged breach of an individual's employment rights automatically into the category of "Whistleblowing." There must be something more – a wider application or implication of the alleged failure to comply with a legal obligation – before these provisions are engaged. It is anticipated that additional legislation clarifying this point will be in effect by summer 2023.*

Details Required

When filing your Complaint with the Tribunal, you will need also to provide, so far as possible, these details in support of your chosen grounds (selected from (a) to (f) above):

- (a) **The date the disclosure was made** *(or as best known to the Complainant);*
- (b) **To whom the disclosure was made** *(or as best known to the Complainant if it was one individual or multiple individuals);*
- (c) **How the disclosure was made** *(if orally conveyed or provided in writing);*
- (d) **The details of the information contained in each disclosure** *(the relevant failing consistent with the choices in (a)-(f) above).*

Additional Information

- You should find out whether your employer has an internal whistleblowing policy available and consider what steps may need to be taken under that policy.
- If there is no such policy, or you need a better understanding, this is available in the Department of Enterprise's ["Whistleblowing – A Brief Guide August 2019"](#).
- Alternatively there is also further guidance available on the Isle of Man Government's Office of Human Resources website, under a ["Whistleblowing Policy"](#) which provides further in depth information about Whistleblowing.

Further discussions can also be held with the relevant conciliator who's details are provided below;-

Work Related: - The **Manx Industrial Relations Service (MIRS)** can be contacted via this [Link](#)

Education Related: - The **Department of Education, Sport and Culture** can be contacted via this [Link](#)

Goods & Services Related: - The **Office of Fair Trading** provides a conciliation service and can be contacted via this [Link](#)