

Stepped Disclosure Regime

<i>Stepped Disclosure</i>	<i>Evidential Thresholds</i>
Disclosure to Employer	None
Disclosure to other Responsible Person	Reasonable belief – Contractor
Disclosure to Prescribed Person	Reasonable belief and substantially true
Disclosure to Minister	None – but worker must be employed by public body and the Minister must have responsibility for the matter disclosed
Disclosure to legal advisor	None – but disclosure must be made in the course of obtaining legal advice
Disclosure in other cases (externally to other body or media)	<ul style="list-style-type: none"> • Reasonable belief • Substantially true • Not made for personal gain • Reasonable for worker to make the disclosure • And one of the following: <ol style="list-style-type: none"> a) Worker reasonably believes he may be penalised b) Worker reasonably believes that evidence may be destroyed before disclosure is made to Prescribed Person c) Where worker has previously made a disclosure of substantially the same information (and where the employer has not dealt with it) d) The relevant wrong doing is exceptionally serious

*For more advice
& information,
please contact
one of our team:*



Ian O'Herlihy
*Partner, Employment
Law & Benefits*
t +353 1 614 2434
e ioherlihy@mhc.ie



Elizabeth Ryan
*Partner, Employment
Law & Benefits*
t +353 1 614 5283
e eryan@mhc.ie



Jeanne Kelly
*Partner,
Commercial*
t +353 1 614 5088
e jkelly@mhc.ie

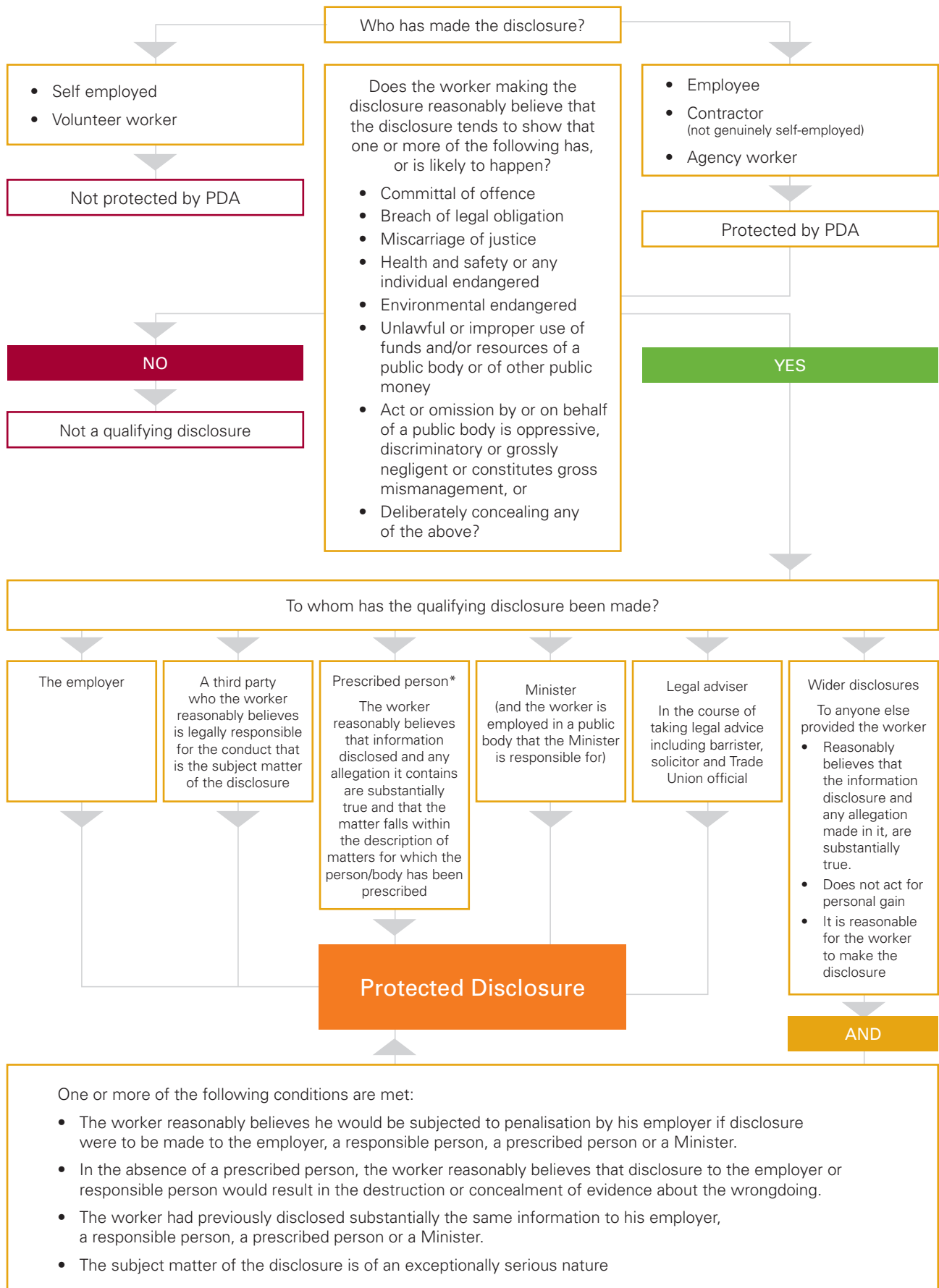


Catherine Allen
*Partner, Public &
Administrative Law*
t +353 1 614 5254
e callen@mhc.ie

MHC.ie
*Dublin, London
& New York*



Flowchart: Protected Disclosures Under The Protected Disclosures Act 2014 ('PDA')



* Prescribed persons include regulators such as the Data Protection Commissioner, the Director of Corporate Enforcement, and the Health and Safety Authority (see the Protected Disclosures Act 2014 (Section 7(2)) Order 2014).