

HR Policy No	– HR0011	Scope	– All eligible managers
First issued	– 2021	Approved	– CEO
Published:	– January 2024	Revision:	– January 2025



HR0011

## Protected Disclosures

This is an original Port of Cork Company (POCC) policy and procedure and is available to each employee via the Port of Cork Connect communications App. All such policies will be updated, distributed, and circulated to each employee via the Port of Cork Connect communications App and, in future, any changes or updates will be distributed and available via Connect.

### 1. Purpose

The POCC, (the Company), is committed to addressing all legitimate concerns relating to wrongdoing as described in the Protected Disclosures Act 2014 (and as amended in 2022) (the Act) in the workplace and to providing the necessary support for staff who raise genuine concerns.

Under this policy, a worker is entitled to raise concerns or disclose information without fear of penalisation or threat of less favourable treatment, discrimination or disadvantage. Whether a disclosure is protected or not will depend on the way in which the disclosure is made.

### 2. Scope

The Company is committed to promoting a culture of openness and accountability and in doing so the aim of this policy is to provide an internal mechanism for making a disclosure, reporting concerns and investigating and remedying relevant wrongdoings.

This policy is applicable to all employees who are employed by the Company or who work through Agency, or Work Placement. This policy also applies to board members, volunteers, shareholders and job applicants.

The Board and Senior Management Team of the Company are committed to conducting its affairs lawfully, honestly and with integrity and expect all employees to maintain the highest standards.

This policy outlines the procedures that need to be followed to enable you to raise any concerns about wrongdoing. Such concerns can and should be raised in good faith, even if they turn out to be mistaken, without fear of penalisation.

### 3. Definitions

The term 'Protected Disclosure' is the disclosure of "relevant information" which in the reasonable belief of the worker tends to show a "relevant wrongdoing".

The definition of 'Worker' includes full time, part time, temporary employees, contractors, consultants, agency staff, interns, former employees, those on work experience, volunteers, directors (or members of other administrative, management or supervisory bodies), job applicants

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or those involved in pre-contract negotiations, and any other stakeholder. A **‘relevant worker’** who makes a protected disclosure is known as a **‘reporting person’**.

The definition of ‘Penalisation’ includes suspension, lay-off or dismissal, demotion or loss of opportunity for promotion, transfer of duties, change of location of place of work, reduction in wages or change in working hours, the imposition or administering of any discipline, reprimand or other penalty (including a financial penalty), unfair treatment, coercion, intimidation or harassment, discrimination, disadvantage or unfair treatment, injury, damage or loss, and threat of reprisal, withholding of promotion, withholding of training, ostracism, negative performance assessment or employment reference, failure to convert from temporary to permanent contract, failure to renew or early termination of a temporary employment contract, harm, including to the worker’s reputation, particularly in social media, or financial loss, including loss of business and loss of income, blacklisting within a sector, early termination or cancellation of a contract for goods or services, cancellation of a licence/permit or psychiatric or medical referrals.

The definition of ‘Relevant Wrongdoing’ includes where an offence has been or is likely to be committed, non-compliance with a legal obligation.

#### 4. Key principles underlying policy

A worker who has a reasonable belief that the information contained in his or her disclosure shows or tends to show that a wrongdoing covered by the policy has occurred, is occurring or is likely to occur will be protected against penalisation. Incidents of penalization against a person making a report under this policy may be subject to action under the Disciplinary Policy.

The Act provides for a “stepped” disclosure regime in which a number of distinct channels (internal and external) are available.

#### 5. To whom does this Policy apply?

This policy applies to all workers at all levels at the Company, Directors, Contractors, Outside Consultants and Agency Staff may also be deemed to be workers for the purposes of the Act and this Policy. Any reference in this Policy to the Company refers to the POCC in its entirety including all of its component departments and offices.

#### 6. What type of disclosure is covered by the policy?

A disclosure (through the appropriate channel) of information, that has come to your attention in the course of your work, in the reasonable belief that one or more of the following types of “relevant wrongdoing” has occurred, is occurring or is likely to occur, is protected:

- A criminal offence
- A failure to comply with a legal obligation
- A miscarriage of justice
- The endangering of an individual’s health or safety
- Damage to the environment
- Unlawful or otherwise improper use of funds or resources of a public body or of other public money
- An act or omission by or on behalf of a public body which is oppressive, discriminatory or grossly negligent or which constitutes gross mismanagement
- Concealment or destruction of evidence relating to the above the policy.

#### 7. What type of disclosure is not covered by the Policy?

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Excluded from scope of “relevant wrongdoings” is non-compliance with a legal obligation where it is arising out of a worker’s contract of employment. In essence It does not cover workplace complaints, personal or collective grievances. Any such grievances should be dealt with using the appropriate internal procedures, e.g. Grievance Procedure, Dignity at Work Policy. If you are not sure which policy to use, you should seek advice from your manager.

## 8. Safeguards against penalisation

A worker who makes a disclosure and has a reasonable belief of the relevant wrongdoing will not be penalised by this organisation, even if the concerns or disclosure turn out to be unfounded. If the reporting person has a personal interest in the matter being investigated, you must notify the designated person at the outset.

Penalisation includes suspension/dismissal, disciplinary action, demotion, discrimination, threats or other unfavourable treatment arising from the disclosure based on a reasonable belief for doing so. If you believe that you are being subjected to penalisation as a result of making a disclosure under this Policy, you should inform your manager or a senior manager immediately.

Workers who penalise or retaliate against those who have raised concerns under this policy will be subjected to disciplinary action.

Workers who make a disclosure are not expected to prove the truth of an allegation. However, they must have a reasonable belief that there are grounds for their concern. The policy does not cover a disclosure where the worker knowingly conveys false, misleading, frivolous or vexatious information. If it transpires that a worker makes a disclosure, which they know to be false or do not believe to be true, the Company may take disciplinary or other appropriate action.

A disclosure should also be made where there has been a breach of policy such that harm may be arising to others or to the Company.

## 9. How to raise a concern or make a disclosure.

Workers may wish to discuss or raise their concern with their immediate **Supervisor/Manager/Senior Manager or HR Manager** in the first instance. However, should you not wish to use this route, for example given the seriousness and sensitivity of the issues involved, you can approach the designated **External & Independent Prescribed Person** which we have engaged for this purpose (Appendix 1 of this policy).

All concerns may be raised verbally or in writing. Should you raise a concern verbally we will keep a written record of the conversation and provide you with a copy. Ideally, a disclosure should be made in writing and you should give as much factual information as possible – **Please use the Protected Disclosures Notification Form at Appendix 2**. Even if you raise a matter verbally, you may be asked to put the details in writing at a later date.

A reporting person should not investigate the perceived wrongdoing themselves to clarify any concerns

When reporting a protected disclosure, whether internally to the employer or externally to the appropriate regulatory body, the reporting person should:

- be clear and factual in their details of the alleged wrongdoing;

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- provide the date of the alleged wrongdoing (if known) or the date the alleged wrongdoing commenced or was identified;
- state whether or not the wrongdoing is still on-going or is likely to take place;
- outline who is involved and whether there are any witnesses;
- indicate whether the wrongdoing has already been disclosed and if so to whom, when and what action was taken;
- provide all relevant information in respect of the relevant wrongdoing along with any supporting documentation available;
- avoid speculation, personal attacks and emotive language. The information should provide a factual account of the alleged wrongdoing.

## 10. How the Company will deal with your disclosure

Once a concern has been raised with a relevant individual, whether verbally or in writing, it will be acknowledged within seven days and the relevant individual will meet with you to discuss the matter on a strictly confidential basis. You can choose whether you want to be accompanied by a colleague or Union Representative.

It is at this point that the relevant individual will need to clarify if the concern is appropriate to this procedure or is a matter more appropriate to another procedure, for example the grievance procedure.

At this stage, having clarified that the matter is appropriate to this procedure, an initial assessment of the facts will be carried out to examine what actions we need to take to deal with the matter.

This may involve simply clarifying certain matters, clearing up misunderstandings or resolving the matter by agreed action without the need for an investigation.

Where repetitive reports of similar protected disclosures occur, they may be closed after an initial assessment if the newly reported disclosure does not contain any additional or meaningful information about the relevant wrongdoing, compared to previous reports which are ongoing or have since been concluded.

If an investigation is warranted, it will be conducted fairly and objectively. The form and scope of the investigation will depend on the subject matter of the disclosure. It may be that the disclosure is such that it is required to be referred immediately to the appropriate authorities or requires some other immediate action on our part.

This investigation will be detailed in a written report containing the findings of the investigations and reasons for the findings. The report will be passed to the Chief Executive or Chairman of the Board as appropriate. The Chief Executive Officer or Chairperson of the Board will decide what action to take. If the complaint is shown to be justified, then they will invoke the disciplinary or other appropriate procedures.

We will do our best to keep you informed of the steps being taken by us in response to your disclosure and we will endeavour to keep you informed of how we propose to deal with the matter and any outcomes. However, it is important to note that sometimes the need for confidentiality and legal considerations will prevent us from giving you specific details of an investigation. Any information received must be treated as confidential.

The recipient of a disclosure under this guidance and any other person to whom the disclosure is referred in the performance of that person's duties, will take all reasonable steps to avoid disclosing to another person any information that might identify the person who made the disclosure.

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Where the reporting individual is not satisfied with the outcome of the investigation, or they do not receive a resolution internally within a specified timeframe, the concern can be escalated to the designated **External & Independent Prescribed Person (see appendix 1 of this policy)**. The company should be notified of this in advance, and all internal procedures should be exhausted before any complaint is progressed to any external body.

## 11. Confidentiality

The Company will take all reasonable steps to treat disclosures made through this policy in a confidential and sensitive manner. The Company will not disclose the worker's identity without their consent, unless it is required by law or necessary for the effective investigation of the relevant wrongdoing. Every effort will be made to notify the worker where his or her identity may be disclosed.

## 12. Anonymous Complaints

A concern may not be raised anonymously but on a practical level it will be difficult to investigate. Workers are encouraged to put their name to a disclosure, with our assurance of confidentiality where possible, in order to facilitate appropriate follow-up. We do not progress anonymous complaints as we cannot assess the disclosure and take the appropriate action including a full investigation if necessary. If the reporting person chooses to remain anonymous, this completely limits the company's ability to investigate the relevant wrongdoing reported.

## 13. Review of Policy

The policy will be reviewed at minimum intervals of two years or when required. All information received will be handled and stored in line with the Data Protection Legislation and our internal Data Protection Policy.

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## Appendix 1 - Contact Details for the Prescribed Person

The contact details for the **External Prescribed Person** for the POCC is: Name: Roundtable

ADR

Email: [info@roundtable.ie](mailto:info@roundtable.ie)

Post: 28 South Bank, Crosses Green, Cork City, T12 EF22

## Appendix 2 - Protected Disclosures Notification Form

Before you complete this form, you should read the policy and guidance on protected disclosure reporting in the workplace carefully and ensure that the subject matter of your concern is covered by the legislation.

Please note that protected disclosures must relate to a matter that you have reasonable grounds to be concerned about. It must not be merely intended to undermine the reputation of any colleague.

### Completed forms are to be returned to:

External Prescribed Person – Roundtable ADR - [info@roundtable.ie](mailto:info@roundtable.ie)

#### Section 1 - Name of worker making the disclosure

I \_\_\_\_\_ (name of worker making the protected disclosure) wish to make a disclosure under the Protection Disclosures Act 2014

#### Section 1A - Please provide contact details at which the Confidential Recipient may contact you

Address:

Tel No:

Email:

#### Section 2 - Please indicate whether you want your identity protected?

Yes ☐ No ☐

#### Section 2 - Category of Wrongdoing

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | A criminal offence  |
| <input type="checkbox"/> | A failure to comply with a legal obligation   |
| <input type="checkbox"/> | A miscarriage of justice  |
| <input type="checkbox"/> | The endangering of an individual's health or safety   |
| <input type="checkbox"/> | Damage to the environment   |
| <input type="checkbox"/> | Unlawful or otherwise improper use of funds or resources of a public body or of other public money  |
| <input type="checkbox"/> | An act or omission by or on behalf of a public body which is oppressive, discriminatory or grossly negligent or which constitutes gross mismanagement |
| <input type="checkbox"/> | Concealment or destruction of evidence relating to the above the policy.  |

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**Section 3 - Details of the disclosure (care should be taken to only include the name(s) of individual(s) directly relevant to the report)**



**Section 4 - Is the alleged wrongdoing still ongoing**Yes ☐ No ☐**Section 4 - Is the alleged wrongdoing still ongoing**Yes ☐ No ☐**Section 5 - Has this alleged wrongdoing already been disclosed, if so, to whom, when and what action was taken**Yes ☐ No ☐

Other Information:

**Section 6 – Are you okay for the Prescribed Person to make contact with you via email and or telephone?**Yes ☐ No ☐**Section 7 - Signed (Electronically)****Section 8 – Date Form Submitted**