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# Whistleblower Policy

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Coolmine Therapeutic Community

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1. Responsibility for approval of policy	<i>Board of Management</i>
2. Responsibility for implementation	<i>CEO</i>
3. Responsibility for ensuring review	<i>Operations Manager</i>

## Employee Protection (Whistleblower) Policy

This policy has been drawn up following the Protected Disclosures Act 2014 which came into effect on 15th July 2014.

### 1. Purpose

Coolmine TC requires employees to observe high standards of business and personal ethics in the conduct of their duties and responsibilities. As employees and representatives of the organisation, we must practice honesty and integrity in fulfilling our responsibilities and comply with all applicable laws and regulations. When any employee has serious concerns that breaches of this are occurring, they must be given the opportunity to express these. This must be information which, in the reasonable belief of the employee, tends to show one or more relevant wrongdoings and which came to the attention of the employee in connection with their employment.

### 2. Scope

The term employees in this policy covers all board members, officers, employees, former employees, potential employees and volunteers.

### 3. Whistleblower Protection Policy

The Whistleblower Policy is intended to enable employees to raise serious concerns they may have about violations of Coolmine TC's code of ethics or suspected violations of law or regulations that govern our operations. This Policy is distinct from our Grievance Policy (CTCHR04) which covers situations where an employee has a grievance related to their work or their relationship with a fellow employee.

Examples of relevant wrongdoing under the Whistleblower Policy, in the context of Coolmine TC would be;

- Commission of an offence;
- Noncompliance with a legal obligation;
- Health and safety threats;
- Violation of dignity and respect of a client;
- Mismanagement of funding received.

### 4. Reporting Procedure

The Act encourages that the majority of disclosures will be made to the employer at first instance. However in certain circumstances this may be inappropriate or impossible.

#### 4.1 Internal Disclosure

Coolmine TC suggests that, in the first instance, employees share their concerns or complaints with their manager. If you are not comfortable speaking with your manager or you are not satisfied with your manager's response, you are encouraged to speak with the CEO. Managers are required to immediately report complaints or concerns about suspected ethical and legal violations to the CEO, who has the responsibility to investigate all reported complaints. Employees with concerns or complaints may also submit their concerns in writing directly to their manager or the CEO. Any person making a disclosure will be entitled to full confidentiality and have their identity protected should they wish.

#### 4.2 Disclosure to a Prescribed Person.

If an employee does not feel that their disclosure has been dealt with, or dealt with appropriately, following the Internal Disclosure they should then make the disclosure to a Prescribed Person. In this case that is the Chairman of the Board who can be contacted at [chair@coolminetc.ie](mailto:chair@coolminetc.ie).

#### 4.3 Disclosure to other persons and bodies.

The Act also provides for disclosure in other circumstances which would include disclosure potentially into the public domain such as the media. It must be noted that the standard for reporting is significantly higher. For this type of disclosure to be protected the employee must

- (a) Reasonably believe that the information disclosed is substantially true;
- (b) That the disclosure is not made for personal gain; and,
- (c) The making of the disclosure is in all the circumstances reasonable.

In addition, one of more of the following conditions must be met;

- At the time of making the disclosure the employee reasonably believes that he/she will be subject to penalisation and detriment by Coolmine TC if the disclosure is made to the employer;
- In the case where there is no prescribed person in relation to the relevant wrong doing the employee reasonably believes that this evidence will be destroyed, or concealed if a disclosure is made to the employer;
- The employee has previously made a disclosure of substantially the same nature to either the employer or a prescribed person and no action was taken, and
- The relevant wrong doing is of an exceptionally serious nature.

Employees must be very careful of making disclosures into the public domain. Any person considering making disclosures to other persons or bodies as described above, would be advised to obtain legal advice.

### 5. Protection for Employees

The Act provides employees who make protective disclosures with specific protections. These include;

- Protection from dismissal for having made a protected disclosure. It should be noted that compensation for up to 5 years remuneration for Unfair Dismissal on the grounds of having made a protective disclosure can be awarded. Normally the level of compensation for Unfair Dismissal is up to two years remuneration.
- Protection from penalisation by the employer.
- Immunity from action for damages and a qualified privilege under defamation law;
- A right of legal action where a whistle blower or a member of their family experiences coercion, intimidation, harassment or discrimination at the hands of a third party;
- Protection of the employee's identity. The Act includes measures to protect the identity of any employee so as to treat disclosures confidentially